

# EXHIBIT G

2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF NEW YORK

**ORIGINAL**

4 - - - - - x  
MARK T. DUBLINO

5 Plaintiff

-vs-

6 SGT. JUSTIN BIEGAJ, SGT. ROBERT DEE,  
DEPUTY BRIAN THOMPSON, DEPUTY FRANK  
7 GELSTER, SGT. MR. CROSS, SGT. MR. ROBINSON,  
DEPUTY MR. P. GIARDINA, DEPUTY SHAWN WILSON

8 Defendants  
- - - - - X

9 Civil Action No. 6:19-cv-6269-DGL  
10  
11  
12

13 Deposition of SHAWN WILSON taken pursuant to  
14 notice via videoconference on Thursday, July 8, 2021  
15 commencing at 8:48 a.m.  
16  
17  
18  
19  
20

21 Reported by:

22 COMPUTER REPORTING SERVICE

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(No exhibits marked.)

1 S. Wilson - Examination by Mr. Modica

2 SHAWN WILSON

3 called herein as a witness, being duly sworn,

4 testified as follows:

5 EXAMINATION BY MR. MODICA:

6 Q. Good morning, Deputy Wilson. Again, my name  
7 is Steve Modica. It's nice to meet you.

8 A. Nice to meet you as well.

9 Q. So I am pro bono counsel for Mark Thomas  
10 Dublino. As you know, he has brought an action against  
11 you and seven of your colleagues.

12 I'm going to ask you a series of questions about  
13 the incident at issue and I'd ask you to answer those  
14 to the best of your ability.

15 A. All right.

16 Q. This process is a little more difficult on  
17 Zoom. So I ask that you be patient and let me finish  
18 my question and I promise I'll be patient while you  
19 finish your answer. It makes Mr. DiMartino's job a lot  
20 easier.

21 Okay?

22 A. Yes, sir.

23 Q. Thanks. So are you currently employed by the  
24 Erie County Sheriff's Department?

25 A. Yes, sir.

1 S. Wilson - Examination by Mr. Modica

2 Q. And you're in the Jail Management Division,  
3 correct?

4 A. Correct.

5 Q. And how long have you worked for them?

6 A. Going on thirteen and a half years now.

7 Q. And during 2018 were you also working for  
8 them?

9 A. Yes, sir.

10 Q. And were you working at the Erie County  
11 Holding Center?

12 A. Yes, sir.

13 Q. And were you working the morning of March 9th  
14 of 2018 at the Erie County Holding Center?

15 A. Yes, sir.

16 Q. And what was your job assignment that day?

17 A. I was a bravo medical escort.

18 Q. Can you tell me what responsibilities -- what  
19 are your duties in that job?

20 A. My duties in that job are basically any new  
21 inmates we receive from any courts, we basically get  
22 those guys checked in, get them to see medical.

23 Any escorts on the bravo level I'll take the  
24 inmates -- escort them any where.

25 Thirdly I'm a third response basically so -- a

1           S. Wilson - Examination by Mr. Modica  
2       secondary response I would say.

3           Q.     And when you use the term "bravo level," can  
4       you explain that to me?

5           A.     Yes. Bravo level is located within the jail.  
6       It contains linear as well as podular units there, and  
7       in there basically what I do -- there is a medical room  
8       also in there as well.

9           So when we have inmates come up, we actually have  
10      to sit them in a room and they have to see our medical  
11      staff before they can be sent any where else in the  
12      jail.

13          Q.     Terrific. Now, do you recall, did you  
14      interact with inmate Mark Thomas Dublino before March  
15      9th of 2018?

16          A.     No, sir, not that I recall.

17          Q.     And certainly you interacted with him on  
18      March 9th of 2018; is that correct?

19          A.     Correct.

20          Q.     Now, there's a video of at least part of your  
21      interaction with Mr. Dublino. Is that a video that  
22      you've seen before?

23          A.     I have not, no, sir.

24          Q.     So I have it here and it's been marked as  
25      Deposition Exhibit A and I'm going to show that to you.

1           S. Wilson - Examination by Mr. Modica

2       It's only about three minutes long, but I'm going to  
3       take you through it.

4           If at any point you want me to pause or stop let me  
5       know. I'll ask you a series of questions, but don't  
6       hesitate. I think you'll find it pretty easy.

7           At this point if I could share the screen, I should  
8       be able to do this.

9           Deputy Wilson, can you see the video screen?

10          A.     Yes, sir.

11          Q.     Okay. And just for purposes of the record,  
12       it depicts four different views. The one on the upper  
13       left is labeled Alpha Hallway.

14          Do you see that right here?

15          A.     Yes, sir.

16          Q.     And the one on the lower left depicts or is  
17       labeled Attorney Visit Sally Port. Do you see that?

18          A.     Yes, sir.

19          Q.     And on the upper right there is a label of  
20       Attorney Visit A. Do you see that?

21          A.     Yes, sir.

22          Q.     And then below it on the bottom right you see  
23       it's also labeled Attorney Visit B.

24          Is that all correct?

25          A.     Yes, sir.



1 S. Wilson - Examination by Mr. Modica

2 Q. I'll represent to you this is video from  
3 March 9th of 2018, and but if you look at any of the  
4 four boxes at the bottom you'll see a time, a date and  
5 time stamp in case you're wondering.

6 Okay?

7 A. Okay.

8 Q. All right. Terrific. What I'd like to do is  
9 I'll start playing the video. If you could tell me to  
10 stop when you first come into vision I would be  
11 grateful for that.

12 A. Okay. Stop.

13 Q. Okay. So, Deputy, you asked me to stop. Let  
14 me first ask you which window so to speak of the four  
15 are you looking at?

16 A. I'm looking at frame Alpha Hallway 301.

17 Q. And just for purposes of the record I paused  
18 it where the date and time stamp is 3/9/2018 at 10:22  
19 and 44.135 in the a.m.; is that correct?

20 A. Correct.

21 Q. And would you describe for me, Deputy Wilson,  
22 where do you see yourself?

23 A. On the bottom left-hand corner with white  
24 gloves on.

25 Q. Okay. So right here we're looking at this

1 S. Wilson - Examination by Mr. Modica

2 paused screen and you would be the person closest to  
3 the front of the screen so to speak furthest left; is  
4 that correct?

5 A. Correct, yes.

6 Q. And do you recall how it is that you got in  
7 this position at all?

8 A. I do not, unfortunately. I'm sorry.

9 Q. We'll come back and I'll talk to you a little  
10 bit later about the 10-99 calls, but I'll take you  
11 through the video.

12 So I'm going to continue.

13 (Deposition Exhibit A played.)

14 Q. All right. I've stopped the video. I want  
15 to direct your attention to the box on the top right  
16 labeled Attorney Visit A.

17 I've stopped it at 3/9/2018 at 10:22 and 50.051  
18 seconds in the a.m.

19 Does that depict you, Deputy Wilson, I would say  
20 the left side of the screen, the second person?

21 A. Yes, sir.

22 Q. Okay. And at that point do you recall where  
23 you headed?

24 A. I was headed to -- it looks like to -- in the  
25 hallway to -- we were going to cuff inmate Dublino and

1           S. Wilson - Examination by Mr. Modica  
2       he was on the ground.

3           I think if I'm not mistaken Officer Thompson was  
4       struggling with him maybe.

5           Q.     Okay. I'm going to continue with the tape.

6           A.     Okay.

7       (Deposition Exhibit A played.)

8           Q.     So I've stopped it again. Let's look at  
9       Attorney Visit A. I've stopped it at 10:22 and 52.954  
10       seconds in the a.m.

11          At that point is it correct that your body went  
12       from a place we could see you to a place we could not  
13       see you?

14          A.     Yes.

15          Q.     And can you tell me if you recall what were  
16       you doing at that time that caused you to be out of the  
17       view of the camera?

18          A.     I think I was attempting to secure inmate  
19       Dublino's hands so we can cuff him.

20          Q.     And at that point if you recall where was  
21       inmate Dublino at that time?

22          A.     He was laying on the ground as Officer  
23       Thompson was struggling with him.

24          He was not cooperating - I do know that - and so  
25       Officer Thompson was trying to hold him down, but he

1           S. Wilson - Examination by Mr. Modica  
2       was trying to get up from what I recall.

3           Q.     And as far as this camera is concerned, is  
4       this camera if you know fixed or does it move in any  
5       way?

6           A.     Unfortunately, I do not have the answer to  
7       that. I'm not sure.

8           Q.     Certainly. All right. I'm going to continue  
9       with the video.

10          A.     Okay.  
11       (Deposition Exhibit A played.)

12          Q.     Okay. Deputy Wilson, I'd like to direct your  
13       attention to the box at the lower right Attorney Visit  
14       B.

15          A.     Okay.

16          Q.     I paused it at 10:23 and 42.321 seconds in  
17       the a.m. and I'm circling what I believe is you which  
18       would be toward the right-hand side, middle right of  
19       the photo, a person who appears to be kneeling or  
20       certainly below standing level.

21          Is that accurate?

22          A.     Yes.

23          Q.     And again, if you recall what were you doing  
24       at that point?

25          A.     Still trying to get inmate Dublino's hands so

1 S. Wilson - Examination by Mr. Modica

2 we can get him -- to get him cuffed because he was  
3 still resisting.

4 Q. I'm going to start the video again.

5 (Deposition Exhibit A played.)

6 Q. I've paused the video again. I'm going to  
7 focus on the Attorney Visit B box and pause it at 10:24  
8 and 3.242 seconds in the a.m.

9 It appears that inmate Dublino is now standing. Is  
10 that fair?

11 A. Yes.

12 Q. And can you identify this gentleman who is to  
13 our left and to inmate Dublino's right?

14 A. It looks like Deputy Gelster.

15 Q. I'll represent to you that I believe that  
16 that's Deputy Gelster as well, but it's not important  
17 what I believe. It's important what you believe.

18 Is it fair to say that behind who we believe is  
19 Deputy Gelster is you standing there?

20 A. Yes, sir.

21 Q. And it looks like about half your face is  
22 obscured by Deputy Gelster's head; is that correct?

23 A. Yes, sir.

24 Q. And at that point are you having any physical  
25 contact with inmate Dublino by that point?

1 S. Wilson - Examination by Mr. Modica

2 A. No, sir.

3 Q. I'll start the tape again.

4 (Deposition Exhibit A played.)

5 Q. I've paused it again. If you could focus on  
6 Attorney Visit B box, I paused it at 10:24 and 14.253  
7 seconds in the a.m.

8 Is that you kind of the third person of a group of  
9 four?

10 A. Yes, sir.

11 Q. And it looks like you're looking into a room.  
12 Can you tell me what room that is?

13 A. That is Attorney Room 3 if I'm not mistaken.

14 Q. All right. And any recollection as you sit  
15 here today as to what you were looking at or what you  
16 saw?

17 A. The lawyer -- actually Dublino's lawyer I  
18 think Mr. Terranova - I think I was looking at him and  
19 his injuries.

20 Q. I'll start the tape again.

21 (Deposition Exhibit A played.)

22 Q. Okay. I've paused the tape again. Again I'd  
23 like you to focus on the box entitled Attorney Visit B.  
24 I paused it at 10:24 and 41.080 seconds in the a.m.

25 It appears that someone is emerging from that room

1 S. Wilson - Examination by Mr. Modica

2 that you described. Do you know who that is?

3 A. That would be his attorney - Mr. Dublino's  
4 attorney, Mr. Terranova - if I'm not mistaken.

5 Q. That's you to Mr. Terranova's immediate left,  
6 correct?

7 A. Yes, sir.

8 Q. Can you identify the two other members of law  
9 enforcement that are there?

10 A. That would be Sergeant Robert Dee and Deputy  
11 Joe Dispenza.

12 Q. And would Sergeant Dee be next to you --  
13 closest next to you in the middle of the picture so to  
14 speak?

15 A. Yes, sir. Yes, to my left.

16 Q. And then this would be the other gentleman?

17 A. Correct, yes.

18 Q. Okay. Thank you. I'll start the tape again.

19 (Deposition Exhibit A played.)

20 Q. I've paused it again. I'll ask you to focus  
21 on the part of the box that's labeled Attorney Visit  
22 Sally Port.

23 A. Okay.

24 Q. I paused it at 10:25 and 09.881 seconds in  
25 the a.m.

1 S. Wilson - Examination by Mr. Modica

2 Is that you depicted kind of the more right side of  
3 the photo closest to the person looking at it?

4 A. Yes.

5 Q. And at that point you've passed from the  
6 corridor in the attorney visit room into the attorney  
7 visit sallyport.

8 Do you recall what you were doing at that time?

9 A. Probably just getting ready to head -- figure  
10 out where I was heading back to to see if they needed  
11 me to do anything else.

12 Q. We saw earlier there were folks escorting  
13 Attorney Terranova. Do you know where they were taking  
14 him?

15 A. I would say to medical, but I don't think  
16 they did. They -- they may have taken him to central  
17 control.

18 To be honest, I'm not a hundred percent sure what  
19 they did with him.

20 Q. Understood. Okay. I'm going to start the  
21 tape again.

22 (Deposition Exhibit A played.)

23 Q. I'll pause it. It appears you continued  
24 through the attorney sally port down the alpha hallway  
25 and then you're out of sight; is that fair?



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2 A. I'm actually still -- if you look at the  
3 left-hand side I'm still by the elevator right there.

4 Q. Is that you right there?

5 A. Yes, sir.

6 Q. All right. So for purposes of the record I'm  
7 looking at the Alpha Hallway box paused at 10:25 and  
8 25.401 seconds in the a.m. and the witness has  
9 indicated that he is located facing the camera so to  
10 speak on the left side near the elevator.

11 I'll start it again.

12 (Deposition Exhibit A played.)

13 Q. And then that ends the video; is that  
14 correct?

15 A. Yes, sir.

16 Q. Okay. Now, having seen the video is there  
17 anything about it that you think is incorrect or  
18 incomplete?

19 A. No.

20 Q. Now, did you prepare a memorandum about this  
21 incident?

22 A. You know, I don't -- to be honest, I don't  
23 remember. I'm sure I must have written something -  
24 probably a use of force maybe.

25 Q. Sure. Okay. I'm going to show you what we

1 S. Wilson - Examination by Mr. Modica

2 have marked as Deposition Exhibit J. I know it's a  
3 little bit large on my screen. Are you able to see it?

4 A. Yes, sir.

5 Q. So do you recognize this document?

6 A. Yes. So I was working elevator escort not  
7 bravo medical.

8 Q. First of all, just generally tell me what is  
9 this exhibit?

10 A. This is our memorandum. It's essentially  
11 basically what we call a pink sheet.

12 Any time an incident happens we're involved in we  
13 have to write a pink sheet basically - basically a  
14 memorandum stating what transpired during that  
15 incident.

16 Q. And do you recall when you prepared this?

17 A. It would have been the same exact date.

18 Q. And again, that date being March 9th of 2018?

19 A. March 9th, yes, sir. I'm sorry.

20 Q. That's okay. And as indicated it's a memo  
21 from you and it's to sergeant -- could you pronounce  
22 his last name?

23 A. Smaczniak.

24 Q. Is that your immediate superior or --

25 A. On that day he was, yes.

1 S. Wilson - Examination by Mr. Modica

2 Q. The first sentence, "On the above date and  
3 time at approximately 10:20 hours while working as  
4 elevator escort 1 I did hear a 10-99 call on the radio  
5 for Attorney Room 3 and responded to this call."

6 Did I read that correctly?

7 A. Yes.

8 Q. And to clarify, now you recall that day you  
9 were working as an elevator escort, correct?

10 A. Yes, sir, yes.

11 Q. What were your responsibilities as an  
12 elevator escort on that day?

13 A. Elevator escort, essentially we do -- inmates  
14 that travel throughout the building, we have to ride  
15 the elevator where ever they need to go.

16 Also my secondary job is respond to any what we  
17 call 10 codes, any inmate disturbances, fires, 10-99s.  
18 Any 10 code essentially I would be a response team to.

19 Q. And what is, Deputy Wilson, a 10-99?

20 A. 10-99 is officer in trouble.

21 Q. And what is your understanding of your  
22 responsibility if there's a 10-99 call?

23 A. 10-99, any available officer in the building  
24 who is assigned to any escort position, ground floor  
25 position, any available -- any one who is not working a

1 S. Wilson - Examination by Mr. Modica

2 unit - essentially is not essentially with an inmate -  
3 are to respond to any 10-99s.

4 Q. You mentioned 10-99 is typically a code for  
5 an officer in trouble.

6 Is there a code if you know for an altercation  
7 between an inmate and his lawyer?

8 A. I do not know, unfortunately. It's been my  
9 first experience with it. So we -- so no.

10 Q. Was that actually your first 10-99 call in  
11 your career to that point?

12 A. Yes.

13 Q. And when you say you got the call on the  
14 radio, can you tell me was it your personal radio, was  
15 it a facility radio or both?

16 A. Facility radio.

17 So each -- we each carry a radio for each position  
18 you have in the facility. Any one has a radio for  
19 where ever you work. That was my elevator escort  
20 radio.

21 Q. And do you recall where you were at the time  
22 you got that 10-99 call?

23 A. I would have been on bravo.

24 Q. And again, bravo is a medical unit?

25 A. Yes, medical unit, yes.

1 S. Wilson - Examination by Mr. Modica

2 Q. And if you remember what did the 10-99 direct  
3 you to do or go?

4 A. To -- it directed me to Attorney Visit Room  
5 3.

6 Q. Did you go directly there --

7 A. Yes.

8 Q. -- once you got the call?

9 A. Yes, sir.

10 Q. Now, the next sentence of the report  
11 Deposition Exhibit J reads, "Upon arrival I did observe  
12 inmate Dublino Mark" - and it list his ICN - "on the  
13 ground being given verbal commands by Deputy Thompson  
14 to place his hands behind his back."

15 Did I read that correctly?

16 A. Yes.

17 Q. And when you saw inmate Dublino on the  
18 ground, was he face up, face down, on the side or some  
19 other position?

20 A. He was laying -- he was laying down -- he was  
21 on the ground.

22 Thompson pretty much was trying to grab his arms to  
23 pull his arms behind his back and giving him verbal  
24 commands at the same time.

25 Q. So just to clarify, was inmate Dublino face

1 S. Wilson - Examination by Mr. Modica

2 down on the ground?

3 A. Yes.

4 Q. Okay. And do you recall whether inmate  
5 Dublino complied with the verbal commands of Deputy  
6 Thompson at that time?

7 A. He did not.

8 Q. What do you recall about that?

9 A. I recall him just not -- I remember Deputy  
10 Thompson saying, "Put your arms behind your back. Put  
11 your arms behind your back."

12 His arms were almost flailing. I guess just  
13 resisting -- I guess the best way to put it is  
14 resisting.

15 He would not put his arms behind his back.

16 Q. And Deputy Thompson, tell me, he is in part a  
17 K-9 officer, correct?

18 A. Correct, yes.

19 Q. Do you recall whether he had the K-9 with him  
20 at the time of the interaction with inmate Dublino?

21 A. That I do not remember to be honest.

22 Q. All right. Going back to the report - the  
23 memo I should say, Deposition Exhibit J - the next  
24 sentence reads, "Deputy Gelster and I then took control  
25 of inmate Dublino's right arm."

1 S. Wilson - Examination by Mr. Modica

2 Did I read that correctly?

3 A. Yes, sir.

4 Q. And could you describe for me how you and  
5 Deputy Gelster did that?

6 A. I essentially grabbed the lower forearm and  
7 Gelster -- Deputy Gelster grabbed the upper arm -- his  
8 upper arm on the right side as I recall.

9 Q. And for what purpose were you touching inmate  
10 Dublino?

11 A. So that we could restrain him and put him in  
12 handcuffs.

13 Q. And what did you understand happened prior to  
14 that that would warrant inmate Dublino being put in  
15 handcuffs?

16 A. I was not -- to be honest, I was not sure.  
17 It was a 10-99. So it was an officer in trouble  
18 call.

19 So what I -- I got there and I saw Deputy Thompson  
20 and I thought it was him who was in trouble.

21 Q. All right. I'll read the next sentence -  
22 again, it's Exhibit J - "While I continued to control  
23 inmate Dublino's right arm, Deputy Gelster did place a  
24 mechanical restraint upon his right wrist."

25 Did I read that correctly?

1 S. Wilson - Examination by Mr. Modica

2 A. Yes.

3 Q. And that's your recollection -- when you say  
4 "mechanical restraint," do you mean handcuffs?

5 A. Yes, sir.

6 Q. And then the last sentence of that -- the  
7 second last sentence of that memo reads, "Deputy  
8 Gelster then placed a mechanical restraint upon inmate  
9 Dublino's left wrist which was secured by Sergeant  
10 Dee."

11 Did I read that correctly?

12 A. Yes, sir.

13 Q. And again, that mechanical restraint being  
14 handcuffs?

15 A. Yes.

16 Q. Then it says "End of report." Did I read  
17 that correctly?

18 A. Yes, sir.

19 Q. Do you recall how inmate Dublino was  
20 handcuffed?

21 What I mean is, were his arms in front of his body  
22 or behind his body?

23 A. Behind.

24 Q. And with respect to his hands behind his  
25 body, were the palms of his hands facing away from the



1 S. Wilson - Examination by Mr. Modica

2 center of his body or toward the center of his body?

3 A. I do not recall, to be honest with you.

4 Q. Is there kind of a standard way so to speak  
5 that someone is supposed to be handcuffed?

6 A. Yes.

7 If the inmate -- typically we -- well, when we  
8 handcuff an inmate we would put the palms facing  
9 outwards thumbs up in a typical -- in a regular  
10 situation.

11 If an inmate is restraining we have to do it the  
12 best we can. There's really no way to follow the  
13 protocol if they're resisting.

14 Q. So just to clarify, ordinarily without any  
15 complication the inmate's hands would be handcuffed  
16 behind their back with their palms facing away from the  
17 center of their body thumbs up?

18 A. Correct.

19 Q. But there may be other circumstances when  
20 doing it that way is not possible and so you may have  
21 to cuff them some other way?

22 A. Yes, sir.

23 Q. Is that fair?

24 A. Yes, sir.

25 Q. From the time that you arrived -- before I do

1           S. Wilson - Examination by Mr. Modica  
2       that, I want to show you what we've marked as  
3       Deposition Exhibit K.

4           Can you see that document on your screen?

5           A.     Yes, sir.

6           Q.     Can you just tell us what that is?

7           A.     That would be a use of force report.

8           Q.     And is that something that's also required in  
9       addition to the pink sheet memo that you described a  
10      few minutes ago?

11          A.     Yes, sir.

12          Q.     And again, do you recall approximately when  
13      you prepared this document?

14          A.     That would have been the same day, so  
15      March -- was it March 9th - I'm sorry - 2018.

16          Q.     Now, from the time that you -- so from the  
17      time you arrived after the 10-99 call and saw inmate  
18      Dublino until the time he left your presence did he say  
19      anything that you could hear?

20          A.     I do not recall honestly.

21          Q.     Okay. Best of your recollection, was there  
22      anything that you said to him or anybody else at that  
23      point?

24          A.     No.

25          Q.     You said you thought that inmate Dublino had

1 S. Wilson - Examination by Mr. Modica

2 resisted Deputy Thompson. Do you believe -- or did he  
3 resist you at any point?

4 A. Yes, because he wouldn't put his arms behind  
5 his back. He was struggling with us, yes.

6 Q. So from the time that you arrived until the  
7 time that inmate Dublino was subdued, did you hear Mr.  
8 Terranova say anything?

9 A. No, no, sir.

10 Q. Now, there are a number of other people that  
11 were part of the response team after the 10-99 call.  
12 So I'm going to ask you about them and what you know if  
13 anything about their actions if at all.

14 We talked about Deputy Thompson. What -- when you  
15 first arrived what did you see Deputy Thompson doing?

16 A. He was -- like I say, he was on the ground  
17 trying to secure inmate Dublino.

18 As far as exactly his -- you know, his placement,  
19 I -- to be honest I can't remember exactly how he was.

20 Q. Okay. And again, your recollection was that  
21 when you first saw inmate Dublino he was face down on  
22 the ground, correct?

23 A. Yes.

24 Q. And do you recall where Deputy Thompson had  
25 his hands at that point when you first arrived?

1 S. Wilson - Examination by Mr. Modica

2 A. To be honest, I don't know.

3 Q. I understand. Let's talk about Sergeant  
4 Justin Biegaj. First of all, did I butcher his last  
5 name or did I say it properly?

6 A. You said it properly. Very good.

7 Q. Deputy Wilson, I've said it wrong about ten  
8 times before this. It goes to show you I'm able to  
9 learn.

10 So inmate Dublino alleged that Sergeant Biegaj  
11 stomped and stepped on him while he was on the ground  
12 targeting his head and his back.

13 Did you see anything like that?

14 A. No, sir, no.

15 Q. He also alleged that Sergeant Biegaj put his  
16 knee on inmate Dublino's back. Did you see anything  
17 like that?

18 A. No, sir.

19 Q. You mentioned earlier Sergeant Dee. I want  
20 to ask you a little bit about him.

21 My client alleged that he - Sergeant Dee - and you  
22 grabbed his arms and his hands and bent and twisted  
23 them in an abnormal position with extreme pressure.

24 What do you say to that allegation?

25 A. That would be false, no.

1 S. Wilson - Examination by Mr. Modica

2 Q. And again, I think you testified you're not  
3 sure today whether he was cuffed the normal way or some  
4 other way; is that fair?

5 A. That's fair, yes.

6 Q. Now, we can go back and watch it again if  
7 you'd like, but I'll represent to you that the video  
8 shows Dublino on the ground out of sight of the camera  
9 for about a minute and twenty seconds.

10 Can you tell us in your experience about how long  
11 it would take to cuff an inmate?

12 A. To be honest, I couldn't give you a fair  
13 guesstimate.

14 If the inmate is not compliant it -- there's no --  
15 there's no time frame to be honest with you,  
16 unfortunately, that I could give you.

17 Q. If the inmate was compliant would you expect  
18 it to take that amount of time, more or less?

19 A. Absolutely, no. It would have been very --  
20 fairly quick.

21 Q. And again, your best recollection is that he  
22 was resisting Deputy Thompson and you?

23 A. Yes.

24 Q. Let's talk about Sergeant Matthew Cross. My  
25 client alleges that Sergeant Cross stood directly over

1 S. Wilson - Examination by Mr. Modica

2 him and began stomping on his legs, ankles and feet  
3 while he was on the floor.

4 Did you see Sergeant Cross during this interaction?

5 A. I don't remember seeing Sergeant Cross at  
6 all - just in the video, but not when we were cuffing  
7 him, no.

8 Q. In any event, you don't recall him stomping  
9 on or having physical contact with inmate Dublino?

10 A. No, sir.

11 Q. I want to ask you a little bit about Sergeant  
12 Jack Robinson and Deputies Peter Giardina and Frank  
13 Gelster.

14 So Dublino alleges that he was picked up off the  
15 ground by his arm and shoulders and escorted to the  
16 infirmary and that while on the way Sergeant Robinson  
17 ordered Gelster and Giardina to wrench his arms.

18 First of all, the video did depict you at least  
19 seen in part as inmate Dublino was leaving, but how far  
20 did you get?

21 A. I don't recall. I didn't get far.

22 They pretty much pulled him out of the room. I was  
23 still there. He was already gone by the time I came  
24 out of the attorney visiting room.

25 Q. And in any respect did you see Deputies

1                   S. Wilson - Examination by Mr. Modica  
2           Giardina and Gelster wrenching inmate Dublino's arms at  
3           any point?

4           A.       No, sir.

5                   MR. MODICA: Okay. That's all I have. Thank  
6           you for coming in. I appreciate it. I know you're  
7           coming off a shift and I appreciate your patience.

8                   THE WITNESS: You're welcome. Thank you.

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1 S. Wilson - Examination by Mr. Modica

2 REPORTER CERTIFICATE

3  
4 I, John M. DiMartino, CSR, RPR, do hereby certify  
5 that I did report in stenotype machine shorthand the  
6 proceedings held in the above-entitled matter;

7 Further, that the foregoing transcript is a true  
8 and accurate transcription of my said stenographic  
9 notes taken at the time and place hereinbefore set  
10 forth.

11  
12 Dated 7/12/2021

13 At Rochester, New York

14  
15 s/John M. DiMartino, CSR, RPR

16 \_\_\_\_\_  
17 John M. DiMartino, CSR, RPR  
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S. Wilson - Examination by Mr. Modica

WITNESS CERTIFICATE

ORIGINAL

STATE OF )

COUNTY OF )

I, Shawn Wilson, do hereby certify that I have read the transcript of my testimony as taken under oath on Thursday, July 8, 2021, and that said transcript is a true, complete and correct record of what was asked, answered and said during said deposition, and that the answers on record therein, and as may be modified in conformity with the attached errata sheet, are true and correct.

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Notary Public

1 S. Wilson - Examination by Mr. Modica

2 In the Matter of:

MARK T. DUBLINO

3 Plaintiff

-vs-

4 SGT. JUSTIN BIEGAJ, SGT. ROBERT DEE,

DEPUTY BRIAN THOMPSON, DEPUTY FRANK

5 GELSTER, SGT. MR. CROSS, SGT. MR. ROBINSON,

DEPUTY MR. P. GIARDINA, DEPUTY SHAWN WILSON

6 Defendants

Civil Action No. 6:19-cv-6269-DGL

7

8 Errata sheet for the deposition of Shawn Wilson taken

9 on Thursday, July 8, 2021

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